

STATE OF INDIANA ) IN THE MARION COUNTY SUPERIOR COURT  
 )  
COUNTY OF MARION ) CAUSE NO.  
 )  
THE ESTATE OF ELEANOR NORTHINGTON )  
 )  
Plaintiff, )  
 )  
Vs. )  
 )  
THE CITY OF INDIANAPOLIS and )  
INDIANAPOLIS METROPOLITAN )  
POLICE DEPARTMENT and JOHN DOE, POLICE )  
OFFICERS, 1-50 In Their Individual )  
and Official Capacities and )  
MT. CALVARY APOSTOLIC CHURCH, INC., )  
 )  
Defendants. )

COMPLAINT

Comes now the Plaintiff, The Estate of Eleanor Northington, and brings the following causes of actions against all named Defendants and individual IMPD officers whose identities will be determined through discovery.

Parties to Complaint:

1. The Plaintiff, The Estate of Eleanor Northington, whose Administrator is, D'ASIA MONTGOMERY, can be served through counsel whose contact information is below.
2. The City of Indianapolis;
3. John Doe Officers;
4. Mt. Calvary Apostolic Church, Inc. is a Christian Church located in Indianapolis, Indiana. Mt. Calvary can be served at 6635 E. 42<sup>nd</sup> Street Indianapolis, Indiana 46226;

## FACTS

1. On February 7, 2019 Ms. Eleanor Northington, was attending a church service with her daughters, son, and son in law at Mt. Calvary Apostolic Church;
2. Ms. Northington's youngest daughter is under the age of majority;
3. Ms. Northington's son is under the age of majority;
4. Ms. Eleanor Northington had long suffered from mental illness;
5. Ms. Eleanor Northington was massively obese
6. At some point during the service, Ms. Northington suffered a psychotic episode;
7. Ms. Northington began to act belligerently towards members of the choir and towards the Church Pastor;
8. Ms. Northington left the sanctuary area of Mt. Calvary and removed her clothes;
9. At some point, Ms. Northington appeared in the sanctuary area in a state of undress;
10. Ms. Northington put her clothes back on but continued to act belligerently, swearing at and spitting on congregants and church staff.
11. At some point, Ms. Northington was restrained by members of the church;
12. One congregant called the police;
13. At some point, a cloth was placed over Ms. Northington's mouth apparently to keep her spit from landing on bystanders;
14. When IMPD arrived, John Doe Officer #1 restrained Ms. Northington in handcuffs.
15. Ms. Northington was handcuffed behind her back;
16. An unknown IMPD officer wrestled Ms. Northington to the ground on her stomach.
17. Upon information and belief, an IMPD officer "placed a knee" on Ms. Northington's back while she was handcuffed face-down;

18. The floor of Mt. Calvary Church is covered in shag carpeting;
19. Ms. Northington audibly told officers she could not breathe;
20. IMPD officers ignored Ms. Northington's cry about not being able to breathe;
21. Ms. Northington was unable to breathe and suffocated to death in the old shag carpeting;
22. IMPD's use of excessive force, principally handcuffs, wrestling Ms. Northington to the ground on her stomach, "placing a knee in her back", caused Ms. Northington's death;
23. Ms. Northington's minor son witnessed his Mother's tragic death;

**COUNT 1 FOURTH AMENDMENT CLAIM**

(v IMPD, CITY OF INDIANAPOLIS, JOHN DOES)

24. The foregoing paragraphs are incorporated by reference as though fully reinstated herein;
25. In violation of Ms. Northington's fourth and Fourteenth Amendment Rights, the Defendants' used excessive force to restrain and subdue Ms. Northington;
26. That excessive force caused Ms. Northington to suffocate to death;
27. Defendants should have known that handcuffing a massively obese woman, face down in shag carpet, would likely cause serious injury or death;
28. As a direct, legal, and proximate result of Defendants' gross negligence or deliberate indifference, or reckless disregard for an obvious risk; Ms. Northington was killed causing economic and emotional losses to her estate and minor children.

**COUNT 2 BATTERY**

(all Defendants)

29. The foregoing paragraphs are incorporated by reference as though fully reinstated herein.
30. Defendants touched Ms. Northington in a rude, angry, or insolent manner.
31. Whether by placing a cloth over Ms. Northington's face;
32. Or by handcuffing her;
33. Or be wrestling her to the ground;
34. Or by "placing a knee in her back";
35. Or by burying her face in deep shag carpet;
36. Or by methods to be determined in discovery;
37. These contacts constituted separate instances of the tort of battery;
38. Collectively these batteries led to Ms. Northington's death;
39. As a direct, legal, and proximate result of Defendants' excessive force, gross negligence, deliberate indifference, or reckless disregard for an obvious risk, Ms. Northington was killed causing economic and emotional losses to her estate and minor children;
40. As a direct, legal and proximate result of Defendants' batteries, Plaintiff, Ms. Northington was killed, causing economic and emotional losses to her estate and minor children;

**COUNT 3 NEGLIGENCE**

(Mt. Calvary Church)

(All Defendants)

41. The foregoing paragraphs are incorporated by reference as though fully reinstated herein;
42. Mt. Calvary owes a duty to its congregants to keep its parishioners safe;
43. Mt. Calvary breached that duty when one of its Pastors placed a cloth over Ms. Northington's mouth impeding her airways;
44. Mt. Calvary's negligence contributed to the death of Ms. Northington;
45. As a direct, legal, and proximate result of Defendants' batteries, Plaintiff, Ms. Northington was killed causing economic and emotional losses to her estate and minor children;



LARRY PLEASANTS, Attorney for Plaintiff  
THE ESTATE OF ELEANOR NORTHINGTON

**REQUEST FOR TRIAL BY JURY**

Comes now the Plaintiff, through the Plaintiff's Attorney, LARRY PLEASANTS, and requests that this cause be set for trial by jury.



LARRY PLEASANTS, Attorney for Plaintiff

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